

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH FRANCIS SIMMONS,

Defendant.

CASE NO. CR19-05372 BHS

ORDER

THIS COURT having considered the Joint Status Report and Stipulation of the United States and Defendant Kenneth Francis Simmons for a continuance of the trial date, and based on the facts set forth therein, General Orders 01-20 and 08-20 of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, which is incorporated herein by reference, and the availability of counsel for the government and the defendant, the Court hereby FINDS that trial in this case cannot currently proceed. For the reasons detailed in the parties' Stipulation, the ends of justice served by granting a continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), (iv).

IT IS THEREFORE ORDERED that the parties' request to continue the trial date and other dates is GRANTED.

1 Trial in this matter is SCHEDULED for November 17, 2020, at the request and
2 agreement of the parties. Pretrial Conference is set for November 9, 2020 at 11:00 a.m.;
3 pretrial motions are due by October 8, 2020.
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5 IT IS FURTHER ORDERED that the time between the date of the filing of the
6 parties' Stipulation and the new trial date, is excluded in computing the time within which
7 trial must commence because the ends of justice served by granting this continuance
8 outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. §
9 3161(h)(7)(A). Failure to grant this continuance would likely make trial impossible and
10 result in a miscarriage of justice, and would deny counsel for the defendant and government
11 counsel the reasonable time necessary for effective preparation, taking into account the
12 exercise of due diligence. *Id.* § 3161(h)(7)(B)(i), (iv).

13 Dated this 18th day of August, 2020.
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17 BENJAMIN H. SETTLE
18 United States District Judge
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